

Notice of Allowability

Application No.

10/605,772

Examiner

Tuan C To

Applicant(s)

LE ET AL.

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/27/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 24 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3800

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin G. Mierzwa on 10/21/2004:

In claim 1, line 5, before "lateral characteristic", --the-- has been inserted.

In claim 11, line 9, before "lateral acceleration", --the--has been inserted, same line after "the lateral characteristic other than", --the--has been inserted. On line 10, before "lateral acceleration", --the--has been inserted, same line after "lateral acceleration and", --the--has been inserted. On line 11, before "later acceleration", --the--has been inserted.

In claim 16, line 8, "the lateral acceleration sensor," has been deleted. On line 10, before "lateral acceleration", --the--has been inserted. On line 13, before "lateral acceleration", --the--has been inserted, same line before "lateral characteristic", --the--has been inserted. On line 14, before "lateral acceleration", --the--has been inserted.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

This communication is an Examiner's reasons for allowance in response to application filed on 10/24/2003, assigned serial 10/605,772 and titled "Kinetic Energy Density Rollover Detective Sensing Algorithm."

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The following is the Examiner's statement of reasons for the indication of allowable subject matter:

The applicant's amendment and arguments filed on 07/27/2004 has been fully considered. The examiner has carefully reconsidered the application and reviewed the art rejection and the cited prior art in response to the applicant's amendment. The reference to Watson although discloses a vehicle rollover detection system and method, comprising a lateral accelerometer (18) for measuring the lateral acceleration of the vehicle (Watson, figure 2, lateral accelerometer 18), and the lateral velocity sensor is provided for measuring the lateral velocity (Watson, abstract), Watson does not disclose that comparing the lateral acceleration and lateral characteristic to a threshold that is a function of the lateral acceleration and the lateral characteristic.

After performing further search, the examiner has realized none of the references fairly discloses the a system/method for comparing the lateral acceleration and the lateral characteristic other than lateral acceleration to a threshold that is a function of lateral acceleration and the lateral characteristic other than lateral acceleration.

The prior art does not contain any teaching that would lead a skilled person to modify the closest prior and thereby arrive at the invention. Therefore, the claimed invention is now patentable over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

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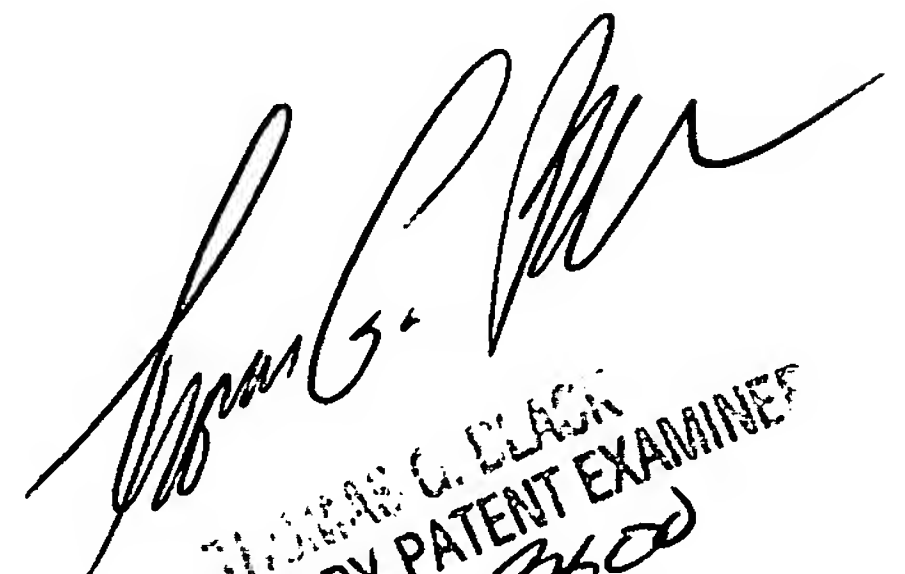
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

October 17, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600